

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1205 OF 2017

Smt. Lata Toppo W/o Shri D. R. Khute, Aged About 36 Years Occupation Service (Posted As Block Programme Manager At National Rural Health Mission, Block Shankargarh, District Balrampur Ramanujganj), R/o Gangapur Khurd, Ring Road, Namnakala, Near New Bus Stand Ambikapur, Post & Tehsil Ambikapur, P.S. Gandhi Nagar, Revenue & Civil District Surguja (Chhattisgarh)

... Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur, (Chhattisgarh)
2. Directorate, Health Services, Indrawati Bhawan, Raipur, Revenue & Civil District Raipur (Chhattisgarh)
3. Managing Director, National Health Mission, Naya Raipur, Revenue & Civil District Raipur, (Chhattisgarh)
4. Deputy Director, National Rural Health Mission, Raipur, Revenue & Civil District Raipur, (Chhattisgarh)
5. Collector, Balrampur, Revenue District Balrampur Ramanujganj, Civil District Surguja, (Chhattisgarh)
6. Chief Medical And Health Officer, Balrampur, Revenue District Balrampur Ramanujganj, Civil District Surguja, (Chhattisgarh)
7. Block Medical Officer, Shankargarh, Revenue District Balrampur Ramanujganj, Civil District Surguja, (Chhattisgarh)
8. District Programme Manager, National Rural Health Mission Balrampur Ramanujganj, Revenue District Balrampur Ramanujganj, Civil District Surguja, (Chhattisgarh)

... Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondent-State	:	Mr. S.P. Kale, Deputy Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

15/03/2017

1. The present writ petition has been filed seeking for a direction to the Respondents for grant of salary to the Petitioner for the month of September, 2015 as also for the period from December, 2015 to September, 2016.
2. Counsel for the Petitioner submits that undisputedly the Petitioner has discharged her duties during the relevant period. He submits that the Petitioner was terminated from service which was initially stayed by this Court in Writ Petition (S) No. 5209 of 2016 and ultimately the said writ petition was

allowed on 10.2.2017. He further submits that the Petitioner is claiming the salary for the period during which she had in fact discharged the duties i.e. the period prior to her being terminated, which she is entitled for. He next submits that no adverse order whatsoever has been passed by the Respondents as regards any recovery nor has there been any disciplinary action initiated against the Petitioner for withholding the salary for the said intervening period.

3. Without venturing into the merits of the case, this Court is inclined to dispose of the writ petition only on the submission made by the Counsel for the Petitioner.

4. Let the case of the Petitioner be scrutinized by the Chief Medical and Health Officer, Balrampur, i.e., Respondent No.6, before whom the claim application of the Petitioner is already pending and, thereafter, let the Respondent No.6 take a decision on the claim of the Petitioner positively within a period of 45 days from the date of receipt of certified copy of this order.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and Respondent No.6 would be free to take a decision on the claim of the Petitioner in accordance with law. However, in case, the Petitioner is found to have discharged the duties during the intervening period and in the absence of any order of recovery or any disciplinary action pending against her, this Court does not find any good reason for not releasing the salary for the said period and the same should be released forthwith.

6. With the aforesaid observation, the present writ petition stands finally disposed of.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE